1	Kamala D. Harris
2	Attorney General of California ALFREDO TERRAZAS
3	Senior Assistant Attorney General JANICE K. LACHMAN
	State Bar No. 186131
4	1300 I Street, Suite 125 P.O. Box 944255
5	Sacramento, CA 94244-2550 Telephone: (916) 445-7384
. 6	Facsimile: (916) 327-8643 Attorneys for Complainant
7	BEFORE THE
8	BOARD OF REGISTERED NURSING
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	
11	In the Matter of the Statement of Issues Against: Case No. 2013-852
12	JUDITH BRUNILDA GONZALEZ STATEMENT OF ISSUES
13	Registered Nurse License Applicant
14	Respondent.
15	
16	Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:
17	<u>PARTIES</u>
18	1. Complainant brings this Statement of Issues solely in her official capacity as the
19	Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (the
20	"Board").
21	Application History
22	2. On or about March 26, 2012, the Board of Registered Nursing received an application
23	for a Registered Nurse License from Judith Brunilda Gonzalez ("Respondent"). On or about
24	March 22, 2012, Judith Brunilda Gonzalez certified under penalty of perjury to the truthfulness of
25	all statements, answers, and representations in the application.
26	
27	///
28	///
	1
ļ	

STATEMENT OF ISSUES

 JURISDICTION

- 3. Pursuant to Business and Professions Code ("Code") section 485, subdivision (b), on or about July 25, 2012, the Board denied Respondent's application and she was notified of the right to a hearing to appeal the denial.
- 4. On or about August 16, 2012, an attorney representing Respondent requested a hearing to appeal the denial of her application.

STATUTORY PROVISIONS

- 5. Code section 2736 provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under Code section 480.
 - 6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct....
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.
- 7. Code section 480 states, in pertinent part:
- (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
- (1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.
- (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
- (3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
- (B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Conviction of a Crime)

- 8. Respondent's application is subject to denial under Code sections 2761, subdivision (f), and 480, subdivision (a)(1), in that Respondent was convicted of crimes that are substantially related to the qualifications, functions, or duties of a licensed registered nurse, as follows:
- a. On or about August 21, 2007, in the case of *People v. Judith Brunilda Gonzalez* (Superior Court, Stanislaus County, Case No. 1231334), Respondent was convicted by the court on her plea of nolo contendere of violating Penal Code section 666 (petty theft with a prior theft conviction), a misdemeanor. The circumstance of the crime is that on or about July 18, 2007, Respondent went into a store, concealed merchandise in her purse, and removed the merchandise from the store without paying for it.
- b. On or about March 13, 1998, in the case of *People v. Judith Brunilda Gonzalez* (Superior Court, Santa Clara County, Case No. C9875879), Respondent was convicted by the court on her plea of guilty of violating Penal Code section 484/488 (petty theft) and Penal Code section 459/460(b) (second degree burglary), a misdemeanor. The circumstance of the crime is that on or about February 13, 1998, Respondent, accompanied by an individual with wire clippers, removed merchandise from a store without paying for it.
- c. On or about August 14, 1995, in the case of *People v. Judith Brunilda Gonzalez* (Superior Court, Santa Clara County, Case No. C9345490), Respondent was convicted by the court of violating Penal Code section 484/488 (petty theft), a misdemeanor. The circumstance of the crime is that Respondent removed merchandise from a store without paying for it.

SECOND CAUSE FOR DENIAL OF APPLICATION

(Committed Acts Which If Done By a Licentiate)

9. Respondent's application is subject to denial under Code section 480, subdivision (a)(3)(A), in that she committed acts, which if done by a licentiate of the profession would constitute grounds for discipline under Code section 2761, subdivision (f). Specifically,

1	Respondent was convicted of crimes substantially related to the qualifications, functions, or
2	duties of a license holder as set forth in paragraph 8, subparagraphs a through c, above.
3	THIRD CAUSE FOR DENIAL OF APPLICATION
4	(Dishonest, Fraudulent, or Deceitful Act)
5	10. Respondent's application is subject to denial under Code section 480,
6	subdivision (a)(2), in that she committed dishonest, fraudulent, or deceitful acts with the intent to
7	substantially benefit herself when she committed theft, as set forth in paragraph 8, subparagraphs
8	a through c, above.
9	<u>PRAYER</u>
10	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11	and that following the hearing, the Board of Registered Nursing issue a decision:
12	1. Denying the application of Judith Brunilda Gonzalez for a Registered Nurse License;
13	and,
14	2. Taking such other and further action as deemed necessary and proper.
15	DATED: March 28, 2013 Louise R. Bailey
16	LOUISE R. BAILEY, M.ED., R.N. //
17	Executive Officer Board of Registered Nursing
18	State of California Complainant
19	SA2012108888 11037329.doc
20	
21	
22	
23	
24	
25	
26	
27	
28	